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S E C R E T ANKARA 003088

SIPDIS

DEPARTMENT FOR NP/CBM, EUR/SE, EUR/PRA

E.O. 12958: DECL: 06/01/2015

TAGS: [PARM](#) [PREL](#) [ETTC](#) [MNUC](#) [TSPA](#) [IR](#) [TU](#) [MTCRE](#)

SUBJECT: PSI: MISSILE-RELATED TRANSFER TO IRAN VIA TURKEY

REF: A. ANKARA 3053

[¶](#)B. STATE 99755

[¶](#)C. ANKARA 2836

[¶](#)D. ANKARA 2816

Classified By: Acting DCM James R. Moore for reasons 1.4 b/d.

[¶](#)11. (S) Summary: Turkish authorities do not believe "catch all" export controls (suggested ref B) can be used unless the shipper of the missile-related equipment destined for Iran is formally imported into Turkey first. MFA continues to put its hope on the Chinese taking the shipment back, but are also searching for other legal mechanisms to block the shipment. Comparing bills of lading might provide a way to do that. End Summary.

[¶](#)12. (S) MFA Deputy Director General for Disarmament and Arms Control Bulent Meric on June 1 invited PolMilCouns to discuss further the recommendation we had put forward the previous day about using "catch-all" export controls to stop the shipment of Chinese-origin missile-related equipment to Iran (refs A and B). Meric underscored that Ankara agrees that the ultimate end-use of the material was "not good." However, as China is not a MTCR participant, Turkey had no basis to approach the Chinese itself. And because the material is dual-use and not on the MTCR control list, Turkey had no export control basis to act against the shipment unless the shipper imports it to Turkey. Currently, the material is in a free trade zone and under Turkish legislation (which Meric said is consistent with EU norms) this means catch-all controls cannot be applied. No Turkish customs or export control laws apply to free trade zones, except for categories of goods prohibited from the zone under the Free Trade Zone Law. These goods include illicit drugs, WMD material, etc, but no dual-use items, according to Meric.

[¶](#)13. (S) That said, Meric continued, the GOT wants to stop this shipment, albeit in a way that is consistent with international and domestic law. Turkish customs was currently using its authority to check cargo to run tests on the items in the shipment. This is how the Turks are currently preventing the shipment from moving. However, they can only hold onto the goods another week to ten days, he said.

[¶](#)14. (S) Meric saw two alternatives: Either the Chinese agree to take the shipment back (Ankara's preference), or we all wait to see whether the shipper will move the goods into Turkey's customs area where catch all controls could be applied. In response to questions, Meric did not believe the authorities had any way to encourage the company to choose that option. He said that MFA had not yet heard from London about its approach to Beijing, although the UK Ambassador was to see MFA Acting Undersecretary Nabi Sensoy late June 1 to discuss this issue. (Comment: Subsequent RMAS discussions with UK counterparts indicate that, contrary to info ref B, the Chinese option is still being discussed in Beijing and, while the Chinese have not agreed to withdraw the shipment, neither have they given a negative reply.)

[¶](#)15. (S) While Ankara saw its options as limited, Meric emphasized, it was "leaving no stone unturned" in trying to find a way to legally stop the shipment. For example, he said he planned to propose to an interagency group later that day that Turkish authorities examine the bills of lading presented for the arrival and the onward shipment of the goods to see whether any discrepancies could be discovered that would permit legal action against the shipper for making a false declaration. He had no idea whether this would work, but Turkish authorities needed to try everything possible to find a basis to act, he stated. PolMilCouns observed that a similar approach had been taken by investigators in the AQ Khan investigation in Istanbul.

[¶](#)16. (S) Comment: Separately, RMAS sources have reason to believe the approach of comparing bills of lading could prove fruitful. End comment.

EDELMAN